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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,136	05/15/2007	Young Su Lee	1594.1586	9131

7590 01/04/2010
Staas & Halsey
7th Floor
1201 New York Avenue N W
Washington, DC 20005

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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01/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,136	Applicant(s) LEE, YOUNG SU	
	Examiner Joseph L. Perrin	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060608; 20081008</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed 08 October 2008 contains a duplicate citation of JP 03/215296. In order to avoid duplicate publication of the citation in any future patent publication, the citation has been lined through in the latter filed IDS.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by KR 2003-0042505 to AN (cited by Applicant). Regarding claims 1 and 6, AN discloses a washing machine with tub (130) combined with a silver solution supplying device (110) in the water supply line, the silver solution supplying device comprising a housing with an inlet (10) and outlet (20), a water feed unit for connecting the inlet of the housing and the water supply unit of the washing machine (see the structure connecting the housing of (110) with the water supply), two silver members (70) installed in the

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housing, and a central internal vertical structure in the housing and located between the silver members and outlet which is readable on a current speed reduction member (note that the 90° wall/outlet interface further reads on the claimed current speed reduction member). See the Figs. and relative associated text. Regarding claims 3 & 8, the current speed reduction member has a predetermined height which performs the intended use of retaining water flowing from the inlet near the silver members for a designated time and then allowing water to flow towards the outlet. Regarding claim 4, the housing has an opening through which the silver members are installed. Accordingly, recitation of AN reads on the invention as claimed.

4. Claims 1, 2, 3, 4, 6, 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by KR 2002-0012368 to KIM et al. ("KR '368"). Regarding claims 1, 2, 6 and 7, KR '368 discloses a washing machine with tub (11/12) combined with a silver solution supplying device (30) in the water supply line, the silver solution supplying device comprising a housing with an inlet (36) and outlet (39), a water feed unit (22) for connecting the inlet of the housing and the water supply unit of the washing machine, two silver members (33/34) installed in the housing, and a U-shaped current speed reduction member (note the U-shaped gap formed by the valve (40)). See Figs. 1-3 and relative associated text. Regarding claims 3 & 8, the current speed reduction member has a predetermined height which performs the intended use of retaining water flowing from the inlet near the silver members for a designated time and then allowing water to flow towards the outlet. Regarding claim 4, the housing has an opening through which

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the silver members are installed. Accordingly, recitation of KR '368 reads on the invention as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over AN in view of WO 03/057970 to KIM et al. ("WO '970"). AN, *supra*, discloses the claimed invention including disclosing a current speed reduction member/wall between the silver members and the outlet. However, AN does not expressly disclose the current speed reduction member positioned on the bottom of the housing and having a U-shaped structure. WO '970 teaches that it is known to provide a detergent supply housing with U-shaped structures at the bottom of the housing (an L-shaped structure also reads on a U-shaped structure) to disperse water flowing from the inlet and

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reduces current speed (see p. 8, line 24 - p 9, line 2 of WO '970). Thus, it would have been obvious to substitute one current speed reducing structure for another to produce the same predictable result of dispersing water and/or reducing current speed flow.

Moreover, the only difference between the two current speed reducing members is the shape of the members. Thus, it would have been an obvious matter of engineering or design choice to select any one of numerous different wall shapes (from straight as in AN to an L- or U-shaped wall as in WO '970), since such a modification would have involved a mere change in the form or shape of a component. A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976). Absent evidence of unexpected results or showing of unpredictability, such substitution is considered *prima facie* obvious.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over AN in view of KR '368. AN, *supra*, discloses the claimed invention including the combination of the silver solution supply device with a conventional washing machine, but does not expressly disclose the washing machine further comprising a detergent supply device. However, it is common knowledge that washing machines generally include a detergent supply device in order to supply detergent and wash the clothes. KR '368 teaches that it is known to provide a washing machine with both a silver solution supply device (30) and detergent supply device (23) as shown in Figs. 1-3 and relative associated text. Thus, it would have been obvious to provide the washing machine of AN with a detergent supply device to yield the predictable result of supply detergent to the

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washing machine. Note that all of the components are taught in AN and KR '368 with the only difference being the combination of known elements into a single washing machine by providing the washing machine of AN with a detergent supply as taught in KR '368. Thus, the combination of known elements yielding their known results is *prima facie* obvious. Further, while KR '368 discloses both a silver supply device and detergent supply device in parallel, KR '368 does not disclose the supply devices in series as apparently claimed in claim 5. However, it would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over KR '368. KR '368, *supra*, discloses the claimed invention and KR '368 teaches that it is known to provide a washing machine with both a silver solution supply device (30) and detergent supply device (23) as shown in Figs. 1-3 and relative associated text. However, while KR '368 discloses both a silver supply device and detergent supply device in parallel, KR '368 does not disclose the supply devices in series as apparently claimed in claim 5. However, it would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine. It has been held that

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rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-8 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/582,130. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims do not include any limitations which serve to patentably distinguish over the copending claims. Both the instant claims and copending claims recite a silver making/supplying device having silver plates in a housing with water inlet and outlet, either alone or in combination with old and well

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known components of a conventional washing machine. The only structural difference being the instant claims further including a “current speed reduction member”.

However, such broad recitation is implicit/inherent as any degree of angle or any structure preventing a linear fluid pathway through the housing reads on the claimed member, including the outlet itself (note that the prior art silver makers/suppliers cited include sufficient structure/configuration which read on the broad recitation of “current speed reduction member” and also render such recitation as *prima facie* obvious).

Thus, the instant claims fail to provide sufficient structure which serves to patentably distinguish over the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/582,160. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims do not include any limitations which serve to patentably distinguish over the copending claims. Both the instant claims and copending claims recite a silver making/supplying device having silver plates in a housing with water inlet and outlet, either alone or in combination with old and well known components of a conventional washing machine. The only structural difference being the instant claims further including a “current speed reduction member”. However, such broad recitation is implicit/inherent as any degree of angle or any structure preventing a linear fluid pathway through the housing reads on the

claimed member, including the outlet itself (note that the prior art silver makers/suppliers cited include sufficient structure/configuration which read on the broad recitation of “current speed reduction member” and also render such recitation as *prima facie* obvious). Thus, the instant claims fail to provide sufficient structure which serves to patentably distinguish over the copending claims.

13. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/
Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1792

JLP